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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

STEPHEN R. CLARK and  
JANET CLARK,

Plaintiffs,

No. CIV S-10-0827 FCD DAD PS

vs.

WELLS FARGO HOME  
MORTGAGE, A DIVISION OF  
WELLS FARGO BANK, N.A., et al.,

Defendants.

ORDER

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Plaintiffs, proceeding pro se, have filed a notice of dismissal of this action pursuant to Federal Rule of Civil Procedure 41(a).

Defendant Wells Fargo Bank, N.A. removed this action from state court on April 7, 2010, and has filed a motion to dismiss that is on the court’s calendar for hearing before the undersigned on June 4, 2010. This court’s docket and the state court record provided by the removing defendant do not reflect that any defendant has filed an answer or a motion for summary judgment. Accordingly, plaintiffs may dismiss their case by notice pursuant to Rule 41(a). However, the plaintiffs are proceeding pro se, and neither can represent the other. See Local Rule 183(a). Any notice of dismissal of the entire action must therefore be signed by both of the pro se plaintiffs.

1 IT IS ORDERED that the notice of dismissal filed by plaintiff Stephen R. Clark  
2 on May 24, 2010 (Doc. No. 11) will be disregarded. Upon the filing of an amended notice of  
3 dismissal signed by both plaintiffs, the action will be dismissed pursuant to Federal Rule of Civil  
4 Procedure 41(a) and the case will be closed.

5 DATED: May 26, 2010.

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9 DALE A. DROZD  
10 UNITED STATES MAGISTRATE JUDGE

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